

IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE: **ESPERANZA DE LA CRUZ**
SSN xxx-xx-0240

CASE NO: **18-05846-MCF**

Debtor(s)

Chapter 13

TRUSTEE'S OBJECTION TO PROPOSED POST CONFIRMATION PLAN MODIFICATION UNDER SECTION 1329

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO***

Total Agreed: **\$3,000.00** Paid Pre-Petition: **\$1,025.00** Outstanding (Through the Plan): **\$0.00**

*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1329

Debtor's/s' Commitment Period: ☐ Under Median Income 36 months ☒ Above Median Income 60 months §1325(b)(1)(B)
Projected Disposable Income: **\$0.00**

Liquidation Value:\$0.00 Estimated Priority Debt: \$0.00

If the estate were liquidated under Chapter 7, nonpriority unsecured claims would be paid approximately \$0.00

With respect to the Proposed "PCM": Dated **11/18/20 (Dkt 39)** **Plan Base: \$29242.00**

The Trustee: ☐ **DOES NOT OBJECT** ☒ **OBJECTS** Plan Confirmation Gen. Uns. Approx. Dist.:59.78%

The Trustee objects to confirmation for the following reasons:

[1325(a)(5)] Plan fails to comply with required treatment of allowed Secured Claims.

- 1325 (a)(5)(A): Secured creditor(s) provided for in the plan has/have NOT ACCEPTED the same.

In the event that creditors accept the PCM, including the post petition arrears Creditor must file a claim for post petition arrears.

Pending Motion for Relief From Stay Under 362 [e]. Filing fee: \$ 181 With Declaration under servicemember civil relief act of 2003. Collateral: MORTGAGE. Post Petition Arrears: 2,568.32. Hearing scheduled 12/1/2020

NOTICE

14 day notice: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney through CM-ECF notification system.

/s/ Jose R. Carrion, Esq.

Date: November 20, 2020 Document Page 2 of 2

CHAPTER 13 TRUSTEE

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/s/ Juliel Perez, Esq.

Last Docket Verified: 41 Last Claim Verified: 5 CMC: RC